

# **PRO PER CONSERVATORSHIP INSTRUCTIONS**

**Los Angeles Superior Court  
Beverly Hills Bar Association  
Los Angeles County Bar Association  
Los Angeles County Paralegal Association**

Rev. 7/1/98

INSTRUCTIONS TO PERSONS FILING  
PAPERS FOR CONSERVATORSHIP  
LOS ANGELES SUPERIOR COURT, DOWNTOWN LOS ANGELES

***IMPORTANT:***

**THIS PROCEDURE IS FOR USE WITH PETITIONS  
FOR CONSERVATORSHIP FOR:**

1. A proposed conservatee receiving only social security and / or retirement benefits, whether owning a residence or not;
  2. A proposed conservatee with assets at the public benefits threshold level (i.e., a person who has qualified or qualifies for Medi-Cal, SSL, AFDC, etc.)
  3. A conservatee with income and / or assets as set forth in No. 1 above;
  4. A conservatee who has reached the level of having only assets at the public benefits level for the purpose of:
    1. Establishment of a conservatorship
    2. Preparing and filing an inventory
    3. Preparing and filing an account and / or waiver of an account if the estate consists only of public benefits (PC 2628)
- A. If the proposed conservatee has been diagnosed with dementia, this project cannot help you. See an attorney.
- B. Read this booklet and fill out all forms before visiting the volunteers.
1. See the attached referral sheet for the names of legal clinics which can help you, or
  2. Call the following attorney referral numbers for the names of attorneys in your area who handle conservatorships and who speak your language:
    - a. Beverly Hills Bar Association Lawyer Referral Service, (310) 553-4022
    - b. Los Angeles County Bar Association Lawyer's Referral Service, (213) 896-6447
  3. As the volunteer attorney if he or she can take the case or can refer you to another attorney.
- C. **If you wish to file your papers in an outlying branch of the court, the volunteers have lists of addresses of those courts and the days the probate court attorney can assist you there. Call first to make an appointment.**

**AT HOME**

1. *Fill out the questionnaire.* (When completed, you will have all the information necessary to complete the court forms.)
2. *Fill out the court forms.* (By typing or using black ink).
  - 2a. Fill in the top of each form as shown in this example:

ATTORNEY OR PARTY WITHOUT ATTORNEY (_____) <span style="float: right;">TELEPHONE NO.:</span> <b>TYPE IN YOUR NAME AND ADDRESS</b> <span style="float: right;"><b>TYPE IN PHONE</b></span>	FOR COURT USE ONLY
ATTORNEY FOR (____): <b>YOUR NAME, IN PRO PER</b>	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> Los Angeles  STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: Central District	
CONSERVATORSHIP OF (NAME): INSERT NAME OF CONSERVATEE  <div style="text-align: right;">PROPOSED CONSERVATEE</div>	
<b>PETITION FOR APPOINTMENT OF PROBATE CONSERVATOR OF THE</b> <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE <input type="checkbox"/> Limited Conservatorship	CASE NUMBER:

2b Be sure to fill in the date and sign your name in all places; see example.

11.  Filed with this petition is a proposed Order Appointing Court Investigator (See JUDICIAL COUNCIL form GC-330)

12.  Number of pages attached: \_\_\_\_\_

Date: **CURRENT DATE**

➤ **YOU SIGN HERE**  
(SIGNATURE OF PETITIONER)

**YOUR NAME**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.	
Date: <b>CURRENT DATE</b>	
YOUR NAME ..... ➤	<u><b>YOU SIGN HERE</b></u> (SIGNATURE OF PETITIONER)
(TYPE OR PRINT NAME)	

**PETITION FOR APPOINTMENT OF**

PROBATE CONSERVATOR

3. *WAIVER OF COURT FEES*

Court fees as of January 1, 1998, are:

Filing fee	\$192
Probate Court Investigator	305
Handbook	<u>20</u>
Total	<u>\$517</u>

If the conservatee is the petitioner and will appear, the fee is \$202.

See the INFORMATION SHEET ON WAIVER OF COURT FEES AND COSTS.

If you do not have to pay the fees.

- 3a Complete the fee waiver forms.
- 3b Make copies of the proofs listed in the Court's VERIFICATION FOR WAIVER OF COURT FEES (see notice attached to these instructions).

*Copies of Court Forms.*

Make 3 photocopies of each form before going to the courthouse because the copy machine there (maintained by the County Clerk) is expensive (\$0.57 a page).

*Envelope.* Address a stamped envelope to yourself.

FIRST TRIP TO COURTHOUSE

6. *PAPERS TO TAKE TO COURTHOUSE*

- 6a All filled-out court papers (original and 3 copies).
- 6b Self-addressed, stamped return envelope.
- 6c The copies you made of proof of your income.
- 6d A check or money order for \$517, payable to "clerk of Superior Court" if you are not eligible for a waiver of fees.

7. *AT THE COURTHOUSE*

- 7a The Superior Court is at 111 North Hill Street, corner of First Street, in downtown Los Angeles.
- 7b Go to Room 252, which is the Probate Court office for the volunteers.

8. *AT ROOM 252*

8a See the volunteers, if necessary, to review your papers. They are there on Tuesdays and Thursdays between 10:00 and 12:00.

8b Go inside Room 258.

(1) Tell the person at the counter who comes to assist you: *"I am here in pro per to file a conservatorship petition. I have my papers prepared. I want to apply for a waiver of fees. I have filled out the papers and have brought proof of my income."*

(2) A Probate Commissioner or Probate Attorney will come to look at your papers.

(3) *Fee Waiver*

The Commissioner will decide if you are eligible for a fee waiver. (If you are not eligible, you will have to pay the fees; as of 1/1/98, they total \$517).

If you are eligible for a fee waiver, the ORDER ON APPLICATION FOR WAIVER OF COURT FEES AND COSTS will be signed. This means you can file your papers without paying the fees. Keep the original Order, as you will need to file it.

9. *ROOM 102/FILING THE PAPERS.*

9a Go to the "Probate Filing" window.

9b The clerk will take the originals of the following papers, stamp them, and keep them:

- a. CERTIFICATE OF ASSIGNMENT
- b. ORDER ON APPLICATION FOR WAIVER OF COURT FEES.
- c. PETITION FOR APPOINTMENT OF PROBATE CONSERVATOR
- d. Extra copy of the first page of PETITION (Page 1)
- e. CONFIDENTIAL SUPPLEMENTAL INFORMATION
- f. ORDER APPOINTING COURT INVESTIGATOR
- g. DECLARATION ON MEDICAL INABILITY TO ATTEND COURT HEARING (if applicable)
- h. CAPACITY DECLARATION CONSERVATOR (if applicable)
- i. PETITION FOR APPOINTMENT OF TEMPORARY CONSERVATOR (if applicable)
- \*\* j. CITATION FOR CONSERVATORSHIP
- k. NOTIFICATION TO COURT OF ADDRESS ON CONSERVATORSHIP/GUARDIANSHIP
- l. Self-addressed stamped envelope
- m. Blank sheets
- n. Check for \$517.00, if you are not eligible for waiver of fees

\*\*The original Citation will be issued and returned to you for future use. See 10e below.

- 9c Ask the clerk for a hearing date on a Tuesday or Thursday (so the volunteers can help you before or after the hearing, if necessary).
- 9d The clerk will tell you the date for the hearing in court (6 or 7 weeks later).
- 9e Ask the clerk to assist you to "conform your copies of all the papers you gave to the clerk, as follows:
- (1) Write down the case number and court date, time (11:00 AM) and the place (Department 11) on your copy of the Petition for Appointment of Conservator.
  - (2) Fill in the case number on all other documents which you will be using in this case.
- 9f The clerk will hand you DECLARATION RE NOTICE - GUARDIANSHIPS/CONSERVATORSHIPS and a thick HANDBOOK FOR CONSERVATORS.

#### NEXT STEPS AFTER LEAVING THE COURTHOUSE

#### 10. NOTICE

- 10a *The same day or next, you must take care of the notice requirements.* This is critical to your case. You *cannot* become conservator unless you do this properly.
- 10b Fill out the NOTICE OF HEARING - CONSERVATORSHIP, including the hearing date, time and Department 11. See the example at the end of these instructions. Also fill out DECLARATION RE NOTICE - GUARDIANSHIPS/CONSERVATORSHIPS and hold it.
- 10c Make enough copies of the front side of the NOTICE and of the PETITION FOR APPOINTMENT OF CONSERVATOR with the case number and hearing date so that all persons listed in Paragraph 10 of the PETITION can have copies.
- 10d *Personal Notice*
- (1) Have a friend or *other person who is not involved in any way in the conservatorship* (not listed in any paper you prepared) *hand a copy* of the CITATION and PETITION to the proposed conservatee, *personally, even if he or she does not want or understand it.*
  - (2) Fill out the PROOF OF SERVICE on the reverse of the *original* CITATION which was issued on filing the PETITION, and have the friend date and sign it. (See example at end of these instructions.)

10e *Notices to be Mailed*

- (1) Prepare envelopes for each person to receive mailed notices, with stamps.
- (2) Have the same friend *mail copies* of the NOTICE and the PETITION FOR APPOINTMENT to all other persons listed in Attachment 10 of the PETITION.
- (3) Fill out the back of NOTICE OF HEARING.

10f Do not lose the NOTICE OF HEARING and the original CITATION; you will have to take them to the courthouse.

10g Your hearing will not go forward if you have not given at least fifteen (15) days' notice by mail to all concerned.

*INVESTIGATOR'S VISIT*

11. As the proposed conservator, you will be contacted by telephone in a few days by an investigator. Return any call from the probate investigator immediately to make an appointment. If the investigation is not done in time for the hearing, the judge will postpone the hearing for another month, to allow the investigator to prepare a written report.
12. You should cooperate fully with the investigator, who may wish to do some further checking and then will write a report to the court about the need for the conservatorship.

*SECOND TRIP TO THE COURTHOUSE*

13. Ten (10) days or less before the hearing, take the following documents to the courthouse:

13a Original and your copy of the CITATION.

13b Original and your copy of NOTICE OF HEARING (front and back filled out and signed)

13c Original and your copy of DECLARATION RE NOTICE-GUARDIANSHIPS/CONSERVATORSHIPS

14. Go to "Probate Filing" window in Room 102.

15. Give the originals of the three forms listed in #13 to the clerk.

15a The clerk will stamp them with the filing stamp.

15b Ask the clerk to give the originals back because you need to take them to Room 258.

15c Ask the clerk to "conform" your copies; keep them.

16. Take the original CITATION, the notice and the DECLARATION RE NOTICE to Room 258. Tell the clerk there is a hearing scheduled for the date shown on the papers and ask the clerk to give the papers to the appropriate person.

*COMMENTS FROM THE COURT ("PROBATE NOTES")*

17. Two or three court days before the hearing, you should receive (in the self-addressed envelope you gave to the clerk when you filed the first papers) a slip of paper with the comments of a court attorney.

17a If you don't receive the slip of paper (the "notes"):

- (1) Call the court three days before the hearing (213) 974-5484.
- (2) Tell the clerk you have filed a "conservatorship", and have a hearing scheduled in three days in Department 11.
- (3) Ask the clerk to read the "notes" and tell you if anything is wrong with your papers.
- (4) If the clerk says there is a problem, ask to speak to the "clearing attorney". The clerk will put you on "hold", and you may have to wait in silence for 5 to 45 minutes. DO NOT HANG UP, unless the phone goes to a dial tone (if so, call again).
- (5) Ask the clearing attorney how you can solve the problem before the hearing. You may have to come to the courthouse that day with more papers to show the "clearing attorney".

17b If you do receive the "notes", call the clerk three days before the hearing and follow the procedures in paragraphs (3), (4), and (5) above.

17c If you still need some help, bring the "notes" on a Tuesday or Thursday to the bar association volunteer.

*THIRD TRIP TO THE COURTHOUSE  
THE HEARING*

- 18a Arrange to arrive at the courthouse by 10:00am, in case you have to clear up any problems. (If so, see the volunteers or the court attorneys in Room 258, saying that you have a hearing at 11:00 that day so you can go to the head of the line.) If the conservatee can appear, be sure to bring the conservatee with you.

18b Bring all your papers with you, including:

- (1) Copies of all papers you have previously filed, with the filing stamps.
- (2) Original documents not yet filed:
  - ORDER APPOINTING CONSERVATOR with 2 copies
  - LETTERS OF CONSERVATORSHIP
  - Another copy of the NOTIFICATION TO THE COURT OF ADDRESS OF CONSERVATORSHIP/GUARDIAN (yellow sheet), with the addresses updated.
  - DUTIES OF CONSERVATOR AND ACKNOWLEDGMENT OF RECEIPT OF HANDBOOK.

19. *GO TO DEPARTMENT 11 BY 10:30am* (second floor)

19a The list of cases for the day will be posted outside the door of the Department. Check that the name of the conservatee and the case number are on the list.

- (1) If the case is not on the list, go to Room 258 to find out why it is missing.
- (2) If your case is on the list, go into the courtroom.

19b When your case is called, be prepared to answer the Judge's questions about:

- (1) The conservatee.
- (2) The need for the conservatorship
- (3) Ability of conservatee to give informed consent to medical treatment.
- (4) Ability of conservatee to complete Affidavit of Voter Registration.
- (5) Amount of bond required.

At that point, the Judge may have some questions for the conservatee, such as whether the conservatee understands the case and if he or she is in agreement with the petition. If the proposed conservatee objects to the conservatorship or the proposed conservator, the Court will continue (postpone) the hearing to another date and appoint a Probate Volunteer Panel attorney for the proposed conservatee.

20. *AFTER THE HEARING*

20a. Before you leave the courtroom, after the Judge says you are now the conservator, you must get a copy of the Judge's notes from the clerk in the courtroom. Quietly tell the clerk that you need the "notes" so that you can get the ORDER signed. You may have to return at 1:30pm.

- 20b. Take the notes and all of your papers back to Room 258. Tell the clerk you were appointed conservator and need approval of an ORDER APPOINTING CONSERVATOR.
- 20c. After the ORDER has been approved by the court attorney, take the ORDER, the file, and the notes back to Department 11 **before 12:00**. (If you cannot get there by then, the clerk will be back at 1:30pm).
- (1) Ask the clerk to have the ORDER signed.
  - (2) Ask the clerk to conform your two copies of the signed ORDER.
  - (3) *Be sure to leave the court file and the "notes" with the clerk before you leave the courtroom.*
- 20d. Go to the Probate Register counter in Room 106.
- (1) Give the clerk the following papers:
    - i. ORDER APPOINTING CONSERVATOR
    - ii. LETTERS OF CONSERVATORSHIP
    - iii. The second copy of the yellow form, NOTIFICATION TO COURT OF ADDRESS ON CONSERVATORSHIP/GUARDIANSHIP
    - (iv) DUTIES OF CONSERVATOR AND ACKNOWLEDGMENT OF RECEIPT OF HANDBOOK.
  - (2) Ask the clerk to "issue" the LETTERS, returning the original ORDER and LETTERS to you.
20. Go to the Certification Window (in Room 112). Give the clerk the original ORDER and the original LETTERS OF CONSERVATORSHIP, and ask the clerk to make the following copies for you:
- (1) Two plain copies of the ORDER.
  - (2) At least three certified copies of LETTERS OF CONSERVATORSHIP.
  - (3) You will need to pay less than \$10.00 for the copies. If fees have been waived, show the clerk a copy of your ORDER WAIVING FEES.
  - (4) The clerk will keep the originals; they will be placed in the court files.

#### *DUTIES AND RESPONSIBILITIES OF CONSERVATOR*

If you are conservator of the estate, whether or not there is a conservatorship of the person, you have additional duties and responsibilities. Those are outlined in the Conservator's Handbook, which you were given when you filed the Petition. Pay particular attention to the chapters on Inventory and Accountings.

Failure to comply with your duties as a conservator could lead to your removal and/or personal liability.

23. When the Conservatee dies, notify the probate investigator's office in writing. The conservatorship must be terminated.

*TERMINATING THE CONSERVATORSHIP*

24. The conservatorship of the estate must be terminated by the court. To terminate:
- 24a. Ask a court attorney in Room 258 at the courthouse for a form called PETITION TO TERMINATE CONSERVATORSHIP, then see the volunteers; or
  - 24b. See a lawyer at one of the legal clinics listed on the attached referral sheet.
  - 24c. Call the following attorney referral numbers for the names of attorneys in your area who handle conservatorships and who speak your language.
    - a. Beverly Hills Bar Association Lawyer Referral Service, (310) 553-4022
    - b. Los Angeles County Bar Association Lawyer's Referral Service, (213) 896-6447.

*QUESTIONNAIRE FOR CONSERVATORSHIP PETITION*

Answer the following questions:

Names used by the conservatee: \_\_\_\_\_

Current Address: \_\_\_\_\_

Residence: \_\_\_\_\_

Phone number at current residence: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Approximate value and assets in estate:

Real property \_\_\_\_\_

Cash \_\_\_\_\_

Stocks \_\_\_\_\_

Car(s) \_\_\_\_\_

Misc. \_\_\_\_\_

Annual estate income:

Rental income \_\_\_\_\_

Interest income \_\_\_\_\_

Social Security \_\_\_\_\_

Pension \_\_\_\_\_

Other \_\_\_\_\_



NOTES